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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 LAMARR RASHID CROWDER,

12 Petitioner,

13 vs.

14 JAMES E. TILTON, Secretary, California
15 Department of Corrections and
16 Rehabilitation,

Respondent.

CASE NO. 08cv0694 DMS (JMA)

**ORDER DENYING REQUEST
FOR CERTIFICATE OF
APPEALABILITY**

17 On May 18, 2009, this Court entered judgment denying the petition for a writ of habeas corpus
18 brought by Petitioner pursuant to 28 U.S.C. § 2254. On June 16, 2009, Petitioner filed a Notice of
19 Appeal and an Application for Certificate of Appealability. A certificate of appealability is authorized
20 “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. §
21 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree
22 with the district court’s resolution of his constitutional claims or that jurists could conclude the issues
23 presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S.
24 322, 327 (2003). *See also Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

25 Having reviewed the Petition, the R&R and the May 18, 2009 Order denying the Petition, the
26 Court finds Petitioner has failed to demonstrate that reasonable jurists would find this Court’s

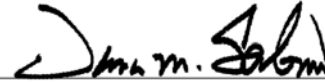
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1 dismissal of his petition debatable. Therefore, the Court denies Petitioner's request for a certificate
2 of appealability.

3 **IT IS SO ORDERED.**

4 **DATED: June 25, 2009**



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6 **HON. DANA M. SABRAW**
7 **United States District Judge**
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